



PATENT
Attorney Docket No. 101.0059-02000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Confirmation No.: 4939
Gary K. Michelson)
Serial No.: 10/674,971) Group Art Unit: 3738
Filed: September 30, 2003) Examiner: David H. Willse
For: METHOD FOR INSERTING AN)
INTERBODY SPINAL FUSION)
IMPLANT HAVING AN)
ANATOMICALLY CONFORMED)
TRAILING END (as amended))

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL

Express Mail Mailing Label No. EG017788091US

Date of Deposit: September 24, 2009

I hereby certify that:

1. Transmittal Form (in duplicate; \$810.00 total amount to cover the RCE fee is to be charged to Deposit Account No. 50-3726)
2. Request for Continued Examination (RCE)
3. Amendment
4. Information Disclosure Statement Under 37 C.F.R. § 1.97(b) with Form PTO/SB/08 and one document
5. Self-addressed return postcard receipt

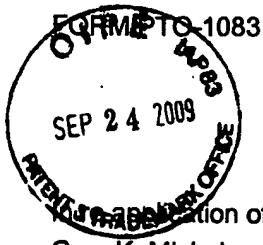
are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: September 24, 2009

Sandra L. Blackmon

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (330) 877-0700
Facsimile: (330) 877-2030



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE PRESENTATION OF:

Gary K. Michelson

Serial No: 10/674,971

Filed: September 30, 2003

For: METHOD FOR INSERTING AN INTERBODY
SPINAL FUSION IMPLANT HAVING AN
ANATOMICALLY CONFORMED TRAILING END

Confirmation No.: 4939

Art Unit: 3738

Examiner: David H. Willse

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Request for Continued Examination (RCE) and Amendment in reply to the Final Office Action dated June 24, 2009 in the above-identified application.

No additional fee is required.
 Applicant hereby requests a ***-month extension of time to respond to the above office action.
 Information Disclosure Statement Under 37 C.F.R. § 1.97(b) and Form PTO/SB/08 with one document are enclosed.

The fee has been calculated as shown below:

| | (Col. 1) CLAIMS REMAINING AFTER AMENDMENT | | (Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR | (Col. 3) PRESENT EXTRA* | LG/SM \$ ENTITY FEE | ADD'L FEE DUE |
|---|---|---|---|-------------------------------|--|------------------|
| TOTAL CLAIMS FEE | 31 | - | 49 | ** | LG=\$52 SM=\$26 | \$52 |
| INDEPENDENT CLAIMS FEE | 2 | - | 4 | *** | LG=\$220 SM=\$110 | \$220 |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS | | | | | LARGE ENTITY FEE = \$390 SMALL ENTITY FEE = \$195 | \$ 0 |
| | | | | | TOTAL | \$ 0 |

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

The total amount of \$810.00 to cover the RCE fee is to be charged to Deposit Account No. 50-3726.
 The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. A copy of this sheet is enclosed.
 Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
 Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,

MARTIN & FERRARO, LLP

By: 

Amedeo F. Ferraro
Registration No. 37,129

Date: September 24, 2009

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (310) 286-9800
Facsimile: (310) 286-2795



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Attorney Docket No.: 101.0059-02000

Customer No. 22882

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application of:

Gary K. Michelson

Serial No: 10/674,971

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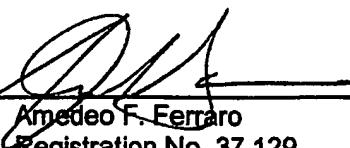
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Respectfully submitted,
MARTIN & FERRARO, LLP

By:



Amadeo F. Ferraro
Registration No. 37,129

Date: September 24, 2009

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